

Perches and Rods: Introducing U.S. Land Records

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The acquisition and control of land has played a major role in American History both on a national and a personal level. Just as the Federal Government saw the acquisition of land as a way of fulfilling Manifest Destiny, many individuals saw the purchase of land as a way to overcome poverty and fulfill the American Dream. Because of its important role in American History, the documents produced through the survey and sale of land are some of the most valuable and informative resources available for genealogists. This class will introduce the history of land acquisition in the United States, discuss the major survey systems, and identify information found in land records.

Why Use Land Records?

- Land records place an individual in a specific time and place and can suggest when an individual moved to or from a specific location.
- Because arriving settlers wanted to validate their land ownership, land transactions are usually one of the first records created in a county.
- When record loss occurred (such as through a courthouse fire), landowners in an area would often go back to the court and re-record their deeds.
- Land records suggest relationships. People selling property together, living near one another, or witnessing land sales were often related.
- When two people of the same name settled in the same area, land records can be used to help separate the two individuals.
- A majority of white males in rural areas owned land.

History and Land

Three European countries established the foundation of how land was surveyed and sold in the United States: Spain, France, and England. Spain originally controlled most of the southwest and Florida. France controlled land along the Mississippi River. England controlled land along the eastern seaboard.

In the original thirteen colonies, the English Crown issued charters to companies (such as the Virginia Company, the New England Council, or the Massachusetts Bay Company) or Individuals (including Lord Baltimore, the Duke of York, or William Penn). These charters gave these companies or individuals the right to distribute land on behalf of the Crown. Charters were broad descriptions of land oftentimes based on geographic latitudes which often overlapped and sometimes extended to the Pacific Ocean. These conflicting charters often led to years of boundary disputes.

After the American Revolution, any unsettled land within the original thirteen colonies was claimed and sold by the individual states. Some of these states still claimed land west of their modern borders, mostly because of their early charters. This means that Virginia granted land in Kentucky while North Carolina granted land in Tennessee. In New England, Massachusetts had purchased what is now Maine years earlier. In 1785, all remaining unsettled western lands were ceded to the Federal Government in order to help pay the debts incurred during the Revolution. The Federal Government then took responsibility for surveying and selling all remaining land within the United States.

State Land States and Federal Land States

State Land States – states which were primarily settled before the American Revolution or before

joining the United States are considered state land states. State land states have no federal land. The predominant survey system in most state land states is metes and bounds. CT, DE, GA, HI, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WV

Federal Land States – states with some or all land sold by the federal government are considered federal land states. The rectangular or federal survey is the predominant survey system. AL, AK, AZ, AR, CA, CO, FL, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, UT, WA, WI, WY

First Sales versus Local Sales

There is a difference between land transactions that took place when a tract of land was initially sold and all later land sales.

First Sales

When land was sold for the first time, it was usually sold by a government or an entity acting on behalf of a government (such as a charter company). When first sold, land had usually not been surveyed or settled. The process for purchasing land varies by which government sold the land and the records produced by first sales are different than records produced by later sales. Records of first sales are usually kept by the government or entity which made the sale. Terms used when discussing the first sale of land include.

- **Patent:** an official document transferring property from a government to an individual. The term patent is most often used when discussing property sold by the federal government after 1785.
- **Grant:** a gift of real property made by a government (such as the English Crown)
- **Warrant:** a document guaranteeing an individual right to land. Warrants were oftentimes issued so an official survey could be made. Warrants were also issued as a reward for military service.
- **Survey:** the process whereby the boundaries of land tracts were established. A surveyor would walk the land and record the official boundaries and land description on a plat.
- **Plat:** a map showing the individual tracts of land within a given location.
- **Tract:** a piece of land.

Local Sales

After the first sale of land, all later land sales were recorded at a local level. For most of the country, land records are kept by the individual counties. Some areas of New England (depending on time period) also recorded land records at a town level. Land can only be sold for the first time once. However, it can be resold multiple times. This means that there are usually more land records at a local level. Terms used when discussing local sales include:

- **Deed** (Indenture): instrument for conveying real property or transferring title.
- **Grantor:** individual(s) selling land.
- **Grantee:** individual(s) buying land.
- **Dower Release:** a widow was entitled to one-third of her husband's property upon his decease. This means that women had a vested interest in their husband's land. When a married man sold his land, his wife was required to give permission for the sale. This is known as the dower release.

Survey Systems

Land was surveyed before it could be sold. Surveying produced legal land descriptions used to identify and sell the same piece of property. There are several different ways land has been surveyed.

Metes and Bounds

In Metes and Bounds, land is defined by local landmarks (such as fences, waterways, roads, stones, and trees), compass readings, distances, and neighbors. With metes and bounds, the initial settlement of land took place before most official surveying occurred, meaning the first settler often defined the boundaries of the lands.

Land surveyed under metes and bounds can be hard to locate on a map as many of the landmarks used in the descriptions no longer exist. Land descriptions that use metes and mounds, however, do name neighbors. Metes and bounds land descriptions are more common in state land states.

Federal Land Survey

The Federal Land Survey, also known as the Rectangular Survey, was used by the United States government starting in 1785. The United States Government modeled its official survey after an early New England practice of setting off land in thirty-six square mile townships. Each township was defined by its distance north or south from a baseline (township) and east or west from a meridian (range). A township was then divided into thirty-six one mile square sections numbered starting at the top right and snaking to the bottom right. Each section could be divided into halves (320 acres), quarters (160 acres), halves of quarters (80 acres), and so forth.

Thirty states make use of the Federal Land Survey. However, some of those states may have been partially settled before the federal government took over the responsibility of selling land. Land sold before the Federal Survey will usually be described using metes and bounds.

Other Survey Systems

There are other survey systems used in the United States. For example, Delaware uses Hundreds to describe land. Georgia uses districts to describe land. And Texas still uses Spanish leagues and labors when defining land in some parts of the state.

Information Found in Local Land Records

Local land records (deeds) usually include the following information:

- Name and residence of the grantor(s)
- Name and residence of the grantee(s)
- The consideration or cost of the land; the consideration may be monetary, may represent a trade, or may be a gift (look for phrases such as “natural love and affection”)
- The description of the land, usually in metes or bounds or using the federal land survey
- The total acreage of the land
- The date the deed was signed and the date the deed was recorded
- Signatures and seals of the grantor(s)
- Signatures of witnesses

Land records may include additional information, including:

- Spouse of grantor
- Neighbors, especially in descriptions using Metes and Bounds
- Current and former residences

- Family and other relatives
- Occupation and other identifying information such as farmer, cooper, widower
- A history of the land, including how the current owner obtained the land
- The dower release whereby a wife releases her dower claim on the land

Finding Local Land Records

Original land records are usually still held by local county recorders. Many deeds have been microfilmed and digitized by FamilySearch. In addition, some deeds may have been abstracted and published in book form. Do a place search in the Family History Library Catalog and look for “Land and Property.” Original deeds will list the county as the author.

Deed Indexes

Most counties have created deed indexes. These indexes are usually found in separate volumes. Deed indexes are organized by grantor (direct indexes) and by grantee (indirect or reverse indexes). Common abbreviations found in deed indexes include “et ux” (and wife) and “et al” (and others).

Most deed indexes are not truly alphabetical. Many indexes are semi-alphabetical, meaning surnames are grouped together by first letter but are then listed chronologically. However, there are many different indexing systems used in the United States. To learn more, search “United States Index Systems” in the FamilySearch Research Wiki.

Search Strategies

- Identify each unique piece of land purchased by your ancestor based on land descriptions. Trace each piece of land. Make sure you know how and when the land was acquired and how and when the land was sold.
- Search indexes for several years before and after your ancestor lived in an area as they may have bought land before they arrived or sold land several years after they left.
- Determine whether your ancestor owned land through other records. The 1850, 1860, and 1870 censuses asked for the value of real estate. Also check court, tax, and probate records.
- Land records can lead you to other resources. If your ancestor owned land, he or she probably left probate records, tax records, and maybe even court cases over land disputes.
- Use local maps to help you locate your ancestor’s land and identify neighbors.
- Analyze each land record you find. Transcribe and abstract each deed and make note of unique information.

Resources

www.familysearch.org/wiki/en: search for “United States Land and Property.”

Greenwood, Val D. *The Researcher’s Guide to American Genealogy*. Baltimore, Maryland: Genealogical Publishing Co., 2000. (Chapters 18 & 19)

Hone, E. Wade. *Land and Property Research in the United States*. Salt Lake City: Ancestry, 1997.

Szucs, Loretto Dennis, and Sandra Hargreaves Luebking, *The Source: A Guidebook to American Genealogy*. 3d ed. Salt Lake City: Ancestry, 2006. (Chapter 10)